IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/055,662
Filed: January 22, 2002
Inventors:
Bernard A. Traversat, et al.

Title: Peer-To-Peer Communication Pipes

Examiner: Nguyen, Dustin
Group/Art Unit: 2154
Atty. Dkt. No: 5681-07500

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Robert C. Kowert
Name of Registered Representative

Signature

April 18, 2006
Date

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants request review of the rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below.

Claims 1-66 and 103-187 remain pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

The Examiner rejected claims 1-66 and 103-187 under 35 U.S.C. § 102(a) as being anticipated by Hild (EP 1022876). Applicants respectfully traverse this rejection for at least the reasons presented below. Appellants submit that the Examiner has clearly failed to present a *prima facie* rejection of Appellants' independent claims.

Regarding claim 1, contrary to the Examiner's assertion, Hild fails to disclose a peer node operable to obtain a pipe advertisement describing a pipe that represents a virtual communications channel for communicating with one or more of the plurality of peer nodes on the network, and where the pipe advertisement

specifies a pipe type for which a network interface of another peer node implements a particular network transport protocol that supports the pipe type. Instead, Hild teaches a system for exchanging service information with other devices using an ad hoc network (paragraphs [0039 – 0041]). The advertisements used in Hild's system are for services, such as a printing service (see [0034]), and have nothing to do with pipe advertisements that describe a representation of a virtual communication channel for communicating with another peer, as recited in applicants' claim 1.

The Examiner's cited paragraphs describe devices in Hild's system that periodically broadcast advertisements including service information known to the sending device. However, Hild's service information only identifies "*services* of which the transmitting device is aware" (emphasis added, Hild, paragraph [0038]). Hild's service information does not include any information that may be considered a pipe advertisement describing a pipe, where the pipe represents *a virtual communications channel* for communicating with other peer nodes. Instead, Hild describes his service information as identifying a service, such as a printing service, using service identifiers and including service options, such as what printer trays hold which sized paper (Hild, paragraph [0034]). Thus, the service information broadcast by devices in Hild's system describes available services, *not pipes that represent virtual communications channels.* **Hild is concerned with advertising various services that are known to devices in his system, but is clearly not concerned with advertisement information regarding virtual communications channels for communicating with peer nodes on a network.** Moreover, Hild merely states that his invention "can be used on any kind of network topology allowing broadcast" without describing any particular method for establishing communication between his devices.

Furthermore, Hild's advertisements and service information also do not include information specifying a pipe type for which a network interface of another peer node implements a particular network transport protocol that supports the pipe type. Hild does not describe his service information as specifying any type of virtual communication channel. None of the Examiner's cited portions mentions anything about Hild's advertisements or other service information specifying a pipe type or any other type of virtual communications channel, as recited in applicants' claim 1. Nowhere does Hild mention anything about a pipe advertisement specifying a pipe type for which a network interface of another peer node implements a particular network transport protocol that supports the pipe type.

In the Response to Arguments section of the Final Action, the Examiner refers to Hild's teachings regarding a metadata protocol resource manager, citing paragraphs [0049] and [0053] of Hild. However Hild's metadata protocol resource manager does not provide any pipe advertisements describing a pipe. Instead, Hild's metadata protocol resource manager feeds "information about the protocols and/or services" to the MAC unit of device 10 (Hild, paragraph [0049]). Neither of the passages cited by the Examiner in the Response to Arguments teaches anything regarding peer nodes operable to obtain a pipe advertisement describing a pipe that represents a virtual communications channel for communicating with one or more of the plurality of peer nodes on the network, and

where the pipe advertisement specifies a pipe type for which a network interface of another peer node implements a particular network transport protocol that supports the pipe type.

Further regarding claim 1, Hild also fails to disclose binding the pipe advertisement to one of the one or more endpoints on the particular peer node, wherein the endpoint of the other peer node corresponds to a network interface of the peer node that implements a particular network transport protocol that supports the pipe type, in contrast to the Examiner's contention. As noted above, Hild is not concerned with how devices communicate other than to exchange advertisements for services. Also, Hild does not teach any devices that bind advertisements to an endpoint of a peer node that corresponds to a network interface of the peer node that implements a network transport protocol supporting the pipe type.

Furthermore, Hild fails to disclose the peer node communicating with another peer node over the pipe in accordance with the particular network transport protocol that supports the pipe type, as recited in claim 1. As noted above, Hild is not concerned with advertising pipes that represent virtual communication channels for communicating with peer nodes. Similarly, Hild is silent regarding a peer node communicating with another peer node over a pipe in accordance with a particular network transport protocol. In fact, Hild is completely silent regarding how two devices communicate other than when exchanging Hild's service information or advertisements. The Examiner's cited paragraphs merely state that devices in Hild's system broadcast and receive service information over an ad-hoc wireless local area network and that each device updates its own stored service information according to any received service information. Nowhere does Hild describe one of his devices communicating with another device over a pipe that was described in an advertisement.

In the Response to Arguments section of the Final Action, the Examiner refers to Hild's teachings regarding a common service announcement protocol for exchange of service information and cites paragraphs [0058] and [0074] of Hild. These paragraphs describe Hild's *service* advertisement procedures, but fail to mention anything regarding *binding a pipe advertisement to an endpoint* of a particular peer node. Broadcasting service advertisements using a common service announcement protocol for exchange of service information is clearly very different from binding a pipe advertisement to a endpoint of a peer node, where the endpoint corresponds to a network interface of the peer node that implements the particular network transport protocol that supports the pipe type.

As noted in the Applicants' previous response, anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. As discussed above, Hild fails to disclose a peer node operable to obtain a pipe advertisement describing a pipe, where the pipe represents a virtual communications channel for communicating with one or more of the plurality of peer nodes on the network, and where the pipe advertisement specifies a pipe type. Hind further fails to disclose binding the pipe advertisement to one of the one or more

endpoints on the particular peer node, wherein the endpoint of the other peer node corresponds to a network interface of the peer node that implements a particular network transport protocol that supports the pipe type and communicating with another peer node over the pipe in accordance with the particular network transport protocol. Therefore, Hild clearly cannot be said to anticipate claim 1.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Remarks similar to those above regarding claim 1 also apply to claims 44, 103, and 146.

Regarding claim 137, contrary to the Examiner's assertion, Hild fails to disclose a peer node receiving a message from another peer node on the peer-to-peer network in accordance with a pipe binding protocol, where the message identifies a pipe and specifies a network transport protocol of the pipe, where the pipe represents a virtual communications channel for communicating between the other peer node and one or more other peer nodes on the peer-to-peer network. As described above regarding the rejection of claim 1, Hild is teaches a system for devices to broadcast and receive lists of known services using an ad-hoc local network. Hild's advertisements and service information does not include, nor are they relevant to, receiving a message that identifies a pipe and that specifies a network transport protocol for the pipe.

The Examiner relies upon paragraphs [0038 – 0039] and [0041] of Hild (regarding the rejection of claim 6). However, the cited paragraphs do not mention receiving a message in accordance with a pipe binding protocol where the message identifies a pipe and specifies a network transport protocol of the pipe. Hild is concerned only with broadcasting and receiving advertisements of services known to devices using Hild's ad-hoc network and is not concerned with specifying pipes that represent virtual communications channels or about specifying network transport protocols of pipes.

Further regarding claim 137, Hild also fails to disclose the peer node obtaining information specifying an endpoint of a different peer node on the peer-to-peer network, where the endpoint of the different peer node corresponds to and uniquely identifies a network interface of the different peer node and where the network interface of the different peer node implements the network transport protocol of the pipe. The Examiner fails to cite any portion of Hild regarding this limitation of claim 137. Instead, the Examiner merely states that claims 103 – 145 are rejected for similar reasons as claims 1-43 and claims 44-66. However, none of claims 1-43 or claims 44-66 recite this specific limitation of claim 137. **Thus, the Examiner has failed to even attempt to provide a *prima facie* rejection of claim 137.** Furthermore, Hild is completely silent regarding obtaining information specifying an endpoint of a different peer node that corresponds to and uniquely identifies a network interface of the different peer node that implements the network transport protocol of the pipe.

Hild also fails to disclose the peer node sending a response message to the other peer node in accordance with the pipe binding protocol, where the response

message specifies the endpoint of the different peer node. The Examiner (regarding the rejection of claim 6) cites paragraphs [0059-0061] of Hild. However, these paragraphs only describe two of Hild's devices exchanging service information by periodically broadcasting advertisements, but fail to mention anything about sending a response message in accordance with a pipe binding protocol that specifies an endpoint of a different peer node. Instead, the Examiner cited paragraphs describe two devices exchanging service information and updating their respective timeout values and expiration times.

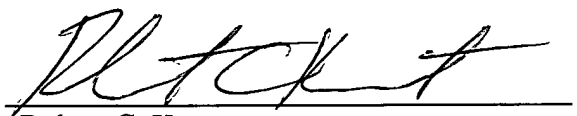
Applicants note that the Examiner has failed to rebut any of Applicants' remarks above regarding the rejection of claim 137. For at least the reasons presented above, the rejection of claim 137 is not supported by the prior art and removal thereof is respectfully requested. Remarks similar to those above regarding claim 137 also apply to claim 179.

In light of the foregoing remarks, Appellants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Appellants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5681-07500/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard
☒ Notice of Appeal

Respectfully submitted,



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